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**(LETTER BETWEEN OEPA AND USEPA CONCERNING 1) LARGE
QUANTITIES OF LOW-LEVEL RADIOACTIVE WASTE 2) OHIO SOLID
WASTE SITING CRITERIA AND OHIO ARARS AT A SUPERFUND
SITE)**

04/05/94

OEPA
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LETTER

USEPA



State of Ohio Environmental Protection Agency

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of pages 2

To: Ken Alkema	From: Graham Mitchell
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J. Volnovich

GOVERNOR

April 5, 1994

Mr. James Saric
Remedial Project Manager
U.S. EPA Region 5
77 West Jackson
Chicago, Illinois 60604

cc. Speranza
Jones
Kumthekar
Ruffing
Crappe
RTN
STG

Dear Mr. Saric:

Since the summer of 1993, Ohio EPA staff from various divisions have been meeting with U.S. EPA and U.S. DOE Fernald staff to discuss how to address several issues: 1) the large volumes of low level radioactive waste, mixed waste, solid waste, and miscellaneous wastes (construction and demolition debris, ash, soil, etc.) at Fernald; and 2) Ohio solid waste siting criteria and Ohio ARARs at a Superfund site where the overall goal is to remedy and improve on existing unacceptable environmental conditions.

Based on these discussions, the following can be stated:

1. Large volumes of contaminated construction and demolition debris, soil, fly ash and bottom ash and possibly some solid waste will have to be disposed onsite at Fernald.
2. The entire Fernald site is located over the Great Miami Sole Source Aquifer. Since Ohio solid waste siting criteria prohibit a location of a solid waste facility over a sole source aquifer, among other things, several options have been discussed including an Ohio EPA exemption from the siting criteria or a U.S. EPA waiver under CERCLA.
3. As we examine the hydrogeology of the Fernald site, it appears that there may be some areas where a disposal facility that is protective of human health and the environment and significantly improves the existing conditions may be located. However, it is unlikely that Ohio solid waste siting criteria can be fully satisfied anywhere at Fernald. Recent findings of uranium at the base of the till appears to confirm this conclusion.
4. The various high volume, low toxicity wastes at Fernald referenced above are presently disposed of at multiple locations at Fernald. Environmentally, these wastes should be consolidated and disposed of in an engineered disposal area. This disposal area should be located at the part of the Fernald site with the "best" hydrogeology with long term monitoring and continued U.S. Government ownership.

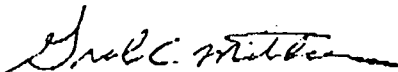
Mr. James Saric
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5. Ohio EPA's solid waste siting criteria are directed at protection of human health and the environment at new sites or the expansion or upgrading of existing operating sanitary landfill facilities. These criteria are often not reflective of the practical aspects of dealing with existing wastes at a CERCLA remediation site.

Ohio EPA believes that a U.S. EPA waiver of the relevant and appropriate Ohio solid waste siting criteria is the best way to address the on-site disposal of construction and demolition debris, ash, soil, and solid waste at the Fernald site. The waiver seems the best option since it does not appear that any location at Fernald will meet solid waste siting criteria or meet the standards for issuance of an exemption under Ohio Revised Code Section 3734.02(G). If we proceed with this option, it is Ohio EPA's goal to work with U.S. EPA in both the public involvement and legal aspects of this action. This letter, requesting the waiver, is the first step in that process.

Please let us know your comments and concerns about this course of action. We look forward to working with you on this difficult but critically important issue.

Sincerely,



Graham E. Mitchell
Chief, Office of Federal Facility Oversight

GEM/bjb

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